

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kathryne Preston,

Court File No.:

Judge:

Plaintiff,

v.

**NOTICE OF AND PETITION
FOR REMOVAL**

Menard, Inc.,

Defendant.

TO: THE UNITED STATES DISTRICT COURT, DISTRICT OF MINNESOTA

Defendant Menard, Inc., a Wisconsin corporation, respectfully states to the court that:

1. Menard, Inc. is a Defendant in a civil action venued in district court in the State of Minnesota, County of Hennepin, Fourth Judicial District, entitled *Kathryne Preston v. Menard, Inc.*
2. Defendant Menard, Inc. received notice of this action when it was served with Plaintiff's Summons and Complaint on July 6, 2020.
3. Menard, Inc. is a Wisconsin corporation, with its principal place of business in the State of Wisconsin.
4. Upon information and belief, Kathryne Preston is a resident of the State of Minnesota.
5. The above-described state court action is a civil action that is properly removable to United States District Court by Defendant Menard, Inc.

6. The United States District Court has original jurisdiction over this matter under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiffs and Defendants. According to Plaintiff's counsel, the total amount in controversy in this case exceeds \$75,000.00. See *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir. 2002).
7. The United States District Court for the District of Minnesota is the district embracing the place where this action is pending, and Defendant Menard, Inc. is not a corporation headquartered or with its principal place of business in the State of Minnesota. Therefore, the civil action described above may be removed to United States District Court pursuant to 28 USC § 1441(b) and 28 U.S.C. § 1446(a).
8. This Notice of Removal is being filed within 30 days after Menard, Inc. received notice that complete diversity exists. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. section 1446(b).
9. Written notice of the filing of this Notice of and Petition for Removal has been served upon Plaintiff's counsel.
10. Pursuant to 28 U.S.C. section 1446(a), a true and legible copy of all process, pleadings and orders served in the State Court Action as of this date are attached hereto as **Exhibit A**.
11. A Notice of Filing of Defendant's Notice of and Petition for Removal has been filed with the Clerk of Court, Hennepin County, Fourth Judicial District, State of Minnesota. (**Exhibit B**, attached, without exhibits.)

12. Undersigned counsel represents Menard, Inc. in this action and is authorized to state that Menard, Inc. expressly consents to the removal of the State Court Action to this Court.

WHEREFORE, Defendant requests that the above action pending against it in the State of Minnesota, County of Hennepin, Fourth Judicial District, be removed therefrom to the United States District Court and proceed in United States District Court as an action properly removed therein.

Dated: July 24, 2020

/s/Steven E. Tomsche

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